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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,898	11/02/2001	Maurice Haman Abraham	B-4358 619258-8	7200

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EXAMINER

ENGLAND, DAVID E

ART UNIT PAPER NUMBER

2143

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/005,898	ABRAHAM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	David E. England	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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### DETAILED ACTION

1. Claims 1 – 9 are presented for examination.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jawahar et al. U.S. Patent No. 6298356 (hereinafter Jawahar) in view of Hankejh et al. (6915336) (hereinafter Hankejh).

4. Referencing claim 1, as closely interpreted by the Examiner, Jawahar teaches a computer apparatus for implementing a workflow defined by a sequence in which activity nodes that include a plurality of interactive nodes must be performed, the computer apparatus comprising a processor for arranging and initiating the execution of the activity nodes in accordance with the defined sequence, wherein each interactive node is arranged to allow a user to input data for use in the execution of an activity node, the processor being arranged to analyze the user input data to determine the interactive node in the sequence of activity nodes to which the user input data is associated, (e.g. col. 1, lines 10 – 28, col. 15, line 37 – col. 16, line 6 & col. 16, lines 40 – 67,

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"*Help*" button makes an active node an interactive node). Although Jawahar teaches implicitly a type of workflow in regards to users asking for the aid of an agent by initializing the "Help" button, there is no explicit teaching of a type of sequence as what is well known in the art as workflow. Hankejh more explicitly teaches workflow in the regards to a type of sequence in which activities are processed, (e.g., col. 9, lines 40 – 67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hankejh with Jawahar because utilizing a schedule to answer users requests for aid give the system the ability to not let users that have been waiting for aid to be forgotten by agents if they are not aided in a timely fashion, i.e. first come first served.

5. Referencing claim 2, as closely interpreted by the Examiner, Jawahar and Hankejh teach all that is similar in nature here as can be found in claim 1 in regards to workflow, furthermore, Jawahar teaches the processor being arranged, in response to the analyze, to initiate execution of the associated interactive node such that if the user data is associated with an interactive node that has been executed the interactive node is re-executed, (e.g. col. 13, lines 10 – 28 & col. 21, lines 35 – 44).

6. Referencing claim 3, as closely interpreted by the Examiner, Jawahar and Hankejh teach all that is similar in nature here as can be found in claim 1 in regards to workflow, furthermore, Jawahar teaches the processor is arranged to compensate executed activity nodes that follow in the defined sequence from the re-executed interactive node, (e.g. col. 13, lines 10 – 28 & col. 14, lines 40 – 55, "*back and forward*").

7. Referencing claim 4, as closely interpreted by the Examiner, Jawahar and Hankejh teach all that is similar in nature here as can be found in claim 1 in regards to workflow, furthermore, Jawahar teaches a computer system comprising a computer apparatus according to claim 1 coupled, via a network, to a second computer apparatus, the second computer apparatus having a user interface to allow a user to input data for an interactive node, (e.g. col. 13, lines 10 – 28 & col. 14, lines 40 – 55, “*back and forward*”).

8. Referencing claim 5, as closely interpreted by the Examiner, Jawahar teaches the network is the internet, (e.g. col. 13, lines 10 – 28).

9. Referencing claim 6, as closely interpreted by the Examiner, Jawahar teaches the user interface is an internet application allowing sequential movement between web pages, (e.g. col. 13, lines 10 – 28 & col. 14, lines 40 – 55, “*back and forward*”).

10. Claims 7 – 9 are rejected for similar reasons as stated above.

### ***Response to Arguments***

11. Applicant's arguments filed 03/20/2006 have been fully considered but they are not persuasive.

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13. In the Remarks, Applicant argues in substance that the Examiner opines that the "help" button of Jawahar makes an active node an interactive node. Since an interactive node involves inputting data, and since the Examiner fails to give any other indication as to where Jawahar shows data input by the user, Applicants assume that the Examiner opines that by selecting the "help" button, the user inputs data in the system of Jawahar. Applicants however note that, even assuming, arguendo, that the help request sent when the "help" button is clicked corresponds to data input by the user, Jawahar does not disclose or suggest analyzing the request to determine with which web page it is associated. The help request of Jawahar contains no information that relates it to what web page was accessed by the user when the "help" button was selected, and Jawahar provides (col. 17, lines 47-48) for determining what web page was accessed by the user when the "help" button was selected (including page accesses performed using the "back" and "forward" functions) with a monitoring application installed in the browser of the user's computer (col. 14, lines 40-43): Jawahar therefore teaches determining, without analyzing the request, what web page was accessed by the user when the "help" button was selected.

14. Besides, Applicants note that the help request of Jawahar is used for putting an agent in communication with the user requesting help, but is not used for the execution of the web page or of an activity node including the web page. Accordingly, even assuming that the help request sent when the "help" button is selected would read on data input by the user, Jawahar would still fail to disclose any "interactive node" as recited in claim 1, and in particular "arranged to allow a user to input data for use in the execution of an activity node".

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15. As to part 1, Applicant's cited areas do confirm that Jawahar teaches the prior art of "analyzing the request". In Jawahar, as cited by the Applicant, a "monitoring" Application is utilized, which is well known in the art that if something is "monitored" then it is being analyzed. Furthermore, when reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby, 309 F. 2d 513, 135 USPQ 317 (CCPA 1962). The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969). Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).

16. If the Applicant were to draw their attention to column 12 et seq. of Jawahar, when a agent is requested for a customer the web page the customer is viewing is also displayed at the agent station along with other information that pertains to the web page, for example other products that are similar to the one viewed by the customer. That would mean that along with the request for agent, the agent would have to know what web page the customer was viewing in order to aid them with any information needed. "Determining" is "analyzing" because for a system to make a determination on data it would have to process the data or otherwise known as

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“analyzing” the data to come to its determination. Therefore, the Applicant has confirmed that the Prior art of Jawahar teaches their claims as presented.

17. In the Remarks, Applicant argues in substance that the alleged purpose of Hankejh, such as making businesses “able to immediately ‘answer’ the questions of those who are browsing their site without the assistance of a plug-in, 1-800 service, an additional application, added hardware, or a high-speed connection” (col. 3, lines 62-65). Applicants note that the alleged purpose of Hankejh, such as making businesses able to immediately answer the questions of those who are browsing their site without the assistance an additional application, relates to suppressing the need for an application such as described in Jawahar. Applicant submit that one skilled in the art would not have been motivated to combine the system of Jawahar with the teachings of a document that expressly teaches away from a system such as Jawahar’s.

18. As to part 2, Jawahar and Hankejh are very similar in nature and would require very little in alteration in order to combine the two inventions in an obvious manner. Applicant is taking what is intended for the purpose out of context. This statement is also very broad in nature and doesn’t state as to what added hardware nor does it state where the additional applications are located, i.e., no need for additional applications on the client side, server side, intermediate side, etc. Furthermore, neither the statement nor the prior art of Hankejh state that their invention can only use their application. All that is stated is that with the invention there will be the “ability” to immediately ‘answer’ the questions of those who are browsing.

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20. In the Remarks. Applicant argues in substance that the Examiner has failed to show that this sequence of operations reads in any way on a sequence of activity nodes that include a plurality of interactive nodes, and in particular on a "sequence in which activity nodes that include a plurality of interactive nodes must be performed" as recited in claim 1.

21. As to part 3, the Examiner has shown numerous times that the sequence of operations reads on a sequence of activity nodes that include a plurality of interactive nodes, and in particular on a "sequence in which activity nodes that include a plurality of interactive nodes must be performed". Firstly, as shown in figure one of Jawahar, there are multiple Agents and clients and with each client having the ability to contact an agent and become an interactive node is very apparent in the prior art. Furthermore, Applicant NEVER states in the independent claims what the "sequence" is or could be which therefore leaves a broad interpretation of the claim language. This also applies to arguments in regards to claims 2 – 9.

### *Conclusion*

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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